

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANNA M. CAREY,
Plaintiff,
vs.
U.S. GOVERNMENT,
Defendant.

No. CV-05-331-AAM

ORDER OF DISMISSAL

U.S. GOVERNMENT,
Defendant.

By previous order of the court, the *pro se* plaintiff, proceeding *in forma pauperis*, was directed to file an amended complaint. An amended complaint has now been filed, but it does not remedy the deficiencies this court pointed out in its previous order.

The amended complaint does not contain a short and plain statement of the grounds upon which the court’s jurisdiction depends. Without such a short and plain statement, the court has no idea whether it properly has subject matter jurisdiction or whether plaintiff needs to exercise administrative remedies before pursuing relief in this court. Where a complaint fails to state “any constitutional or statutory right that was violated, nor asserts any basis for federal subject matter jurisdiction,” there is no “arguable basis in law” for the complaint and the court may dismiss the complaint on its own initiative. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

1 The amended complaint does not contain a short and plain statement of the claim showing
2 that the plaintiff is entitled to relief. While the amended complaint offers some more detail than
3 the original complaint, it does not allege how the information that plaintiff provided to the FBI in
4 fact was used to apprehend terrorists in Colorado and if these terrorists had any connection to the
5 Iranian woman to whom the plaintiff allegedly spoke. Even beyond that, however, the facts
6 alleged by the plaintiff “rise to the level of the irrational or the wholly incredible.” *Denton v.*
7 *Hernandez*, 504 U.S. 25, 112 S.Ct. 1728, 1733 (1992). These facts describe a “fantastic or
8 delusional scenario[.]” *Nietzke v. Williams*, 490 U.S. 319, 325 (1989).

9 Accordingly, *sua sponte* dismissal with prejudice of the amended complaint is warranted
10 pursuant to 28 U.S.C. §1915(e)(2)(B)(i) because it is “frivolous.” *Denton*, 112 S.Ct. at 1733;
11 *Cato*, 70 F.3d at 1106.

Finally, it bears noting that plaintiff's amended complaint is not even signed by her as required by Fed. R. Civ. P. 11(a).

14 Plaintiff's Amended Complaint is **DISMISSED** with prejudice.

15 **IT IS SO ORDERED.** The District Executive shall enter judgment accordingly and
16 forward a copy of this order to plaintiff.

17 || DATED this 14th of November, 2005.

s/ Alan A. McDonald
ALAN A. McDONALD
Senior United States District Judge